IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14380 of 2004

Between:

1 Bayanaboyina Sreenivasulu, S/o late B.Venkata Ramana, r/o Surabhi Agraharam, Nagulagattupalli Post, Chakrayapeta Mandal, Kadapa District.
2 Bayanaboyina Gopal, S/o late B.Venkata Ramana, r/o Surabhi Agraharam, Nagulagattupalli Post, Chakrayapeta Mandal, Kadapa District.
3 Bayanaboyina Venkata Chalapathi, S/o late B.Venkata Ramana, r/o Surabhi Agraharam, Nagulagattupalli Post, Chakrayapeta Mandal, Kadapa District.
4 Bayanaboyina Nageswara, S/o late B.Venkata Ramana, r/o Surabhi Agraharam, Nagulagattupalli Post, Chakrayapeta Mandal, Kadapa District.

...PETITIONERS

AND

1. The Joint Collector, Kadapa District.

2. The Revenue Divisional Officer, Kadapa District.

3. Bonagiri Ramalingaiah, s/o Chinna Lingaiah,
r/o Gandhi Road, Vempalli Village & Mandal, Kadapa District.

4. Bonagiri Balaiah, s/o Chinna Lingaiah,
r/o Nagulagattupalli Post, Chakrayapeta Mandal, Kadapa District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or an order, or a writ more particularly one in the nature of writ of mandamus, declaring the inaction of the 1st respondent in not disposing of the stay

application in Revision Petition filed by the petitioners before the 1st respondent as illegal, arbitrary and unconstitutional and consequently to direct the 1st respondent to dispose off the stay application forthwith filed by the petitioners pending proceedings before the 1st respondent.

Counsel for the Petitioners: MR.S.S.BHATT

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the admission stage made the following:

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ORDER:

Aggrieved by the orders of the Revenue Divisional Officer (for short 'the RDO), the second respondent herein, the petitioners preferred a Revision Petition under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 in December 2003. They have also filed an application praying to stay the orders of the RDO. It appears that the first respondent did not pass any orders and therefore, they filed the present Writ Petition. They seek a declaration that the action of the first respondent in not disposing of the stay application is illegal and arbitrary.

I have heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). As the Revision Petition is pending before the first respondent, no opinion can be expressed on the merits of the case. It is however open to the petitioners to approach the first respondent for appropriate interim orders. The first respondent is directed to pass appropriate orders on the stay application preferred by the petitioners, within a period of one week from the date of receipt of a copy of this order. It shall also be open to the first respondent to pass final orders on the Revision Petition of the petitioners.

The Writ Petition, with the above observations, is disposed of.

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(V.V.S.RAO, J)

16th August 2004

NOTE: CC by 18.08.2004

B/O

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Joint Collector, Kadapa District.
2. The Revenue Divisional Officer, Kadapa District.
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.